REMARKS

The application has been amended and is believed to be in condition for allowance.

Claim 1 has been amended to recite "a hammer arranged when released from a rearward position to ~~act~~ impact on the rear of the lancet to cause such advance,".

Applicants acknowledge that claims 3, 4, 6, 7, 10-17, 19 and 20 are directed to allowable subject matter.

Claims 1, 2, 8, and 21 were rejected as obvious over BODICKY 4,895,147 in view of PARSONS 5,569,189.

Claims 5, 9, and 18 were rejected as obvious over BODICKY in view of PARSONS and further in view of SIMONS et al. 5,871,494.

Referring to the documents cited by the Official Action, BODICKY describes a lancet injector designed to effect a skin prick.

The Official Action has correctly noted that BODICKY fails to provide a user adjustable barrier.

However, there is an even more fundamental difference that the Official Action appears to have overlooked and that is that there is no "hammer" in the arrangement of BODICKY. In BODICKY, the coil compression spring 34 is connected to the lancet guide 16 (which the Official Action equates to the "hammer") which has a cylindrical extension 28 and a lancet holder integrally connected to the extension section.

It is incorrect in equating the lancet guide 16 to the "hammer" of claim 1 because a hammer requires a gap between the hammer and what is hammered. We also think it is stretching the wording of the claim too far to say that the lancet guide when released from its rearward position acts on the rear of the lancet. However, changing "act" to "impact" in line 4 of claim 1 as amended clearly avoids anticipation.

Thus, in essence, BODICKY is not a hammer impact device.

The Official Action argues that BODICKY and PARSONS are of analogous art as both are adapted to ward injecting material into the skin of a patient. The Official Action is incorrect in this assertion because lancets are not designed to inject material into the skin of a patient. Their function is to puncture the skin of a patient with a sharpened point to provide a pin prick. No material is injected into the skin.

PARSONS is concerned with needleless injection devices and one of the primary objectives (column 1, lines 20-23) is "the reduction of pain and apprehension associated with needles, the elimination of needle stick injuries and the reduction of an environmental contamination associated with needle disposal." There would be no motivation for one of skill in this field to combine the teachings of a document whose express intention is to drive a lancet into the skin of a patient (but without introducing injection material) with a document whose express

intention is to avoid the use of needles (and by association any other pricking points) to deliver injection material through a high pressure jet.

In addition to the mutually exclusive aim of the two technologies, there is also an important difference in that the arrangement of PARSONS makes use of a separate hammer which impacts a plunger which dispenses the high pressure jet of injected fluid material. The arrangement of the hammer/impact is quite different as is the effect of the hammer impact.

The same points apply to independent claim 21.

Reconsideration and allowance of claims 1 and 21 are respectfully requested.

In view of the above, applicants believe the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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